

AP9673  
09/913,635

### REMARKS

Claims 19, 22, 25, 29, and 30 have been amended. Claims 18, 20, 21, 23, 24, and 27 have been cancelled. New claim 31 has been added. Accordingly, claims 19, 22, 25, 26, and 28-31 remain under prosecution in this application.

#### In the Specification

Page 8, paragraph number 30 and page 10 have been amended in accordance with the examiner's suggestions.

#### 35 U.S.C. § 112, Second Paragraph

Claim 19 has been amended in accordance with the examiner's suggestion and accordingly the undersigned believes that the rejection of claim 19 under 35 U.S.C. § 112, second paragraph is now overcome.

Claims 20, 21, 24, and 27 have been cancelled and accordingly the rejection of these claims under 35 U.S.C. § 112, second paragraph is believed moot.

#### 35 U.S.C. § 102

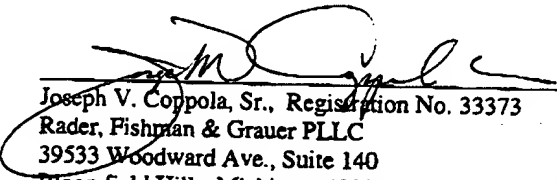
All claims of record are rejected under 35 U.S.C. § 102 as being anticipated by Maligne (US Patent No. 5,704,452). New claim 31 has been rewritten to incorporate the essence of originally submitted claims 18, 21, and 23. Nowhere does the prior art of record teach or suggest a brake pad and brake piston assembly wherein the brake pad includes a retaining spring which has a first portion for urging the brake piston against the brake pad and a second portion for urging the brake pad generally perpendicular to an axis of travel of the piston. The examiner has cited the spring portion 612 of the Maligne reference as his basis for teaching "urging the brake pad against the piston" and "applying spring force to the brake piston generally perpendicular to an axis of travel of the piston". The undersigned asserts that Maligne teaches neither of these functions. Firstly, although it is conceivable that passive fastening component 5 in conjunction with clip 61, 62 could function in a way to urge the brake pad assembly against the piston, there is no express teaching that it does so. Moreover, it appears to the undersigned that the function of clip 61, 62 and fastening

AP9673  
09/913.635

component 5 is to merely hold the piston/brake pad assembly together. It is respectfully submitted that a teaching of holding two components together is not the same as a teaching of urging one component against the other. Moreover, even if the undersigned agrees that the Maligne reference teaches using a brake spring for urging a brake pad against a brake piston, it does not teach, explicitly or implicitly, a brake pad retaining spring which has a second portion which applies a spring force to the brake pad generally perpendicular to an axis of travel of the piston. The advantages of this dual function of the brake pad retaining spring is specifically discussed at the bottom of page 2, and the top of page 3 of the Substitute Specification (Clean Copy).

In view of the amendments and arguments set forth herein, the undersigned believes that none of the references of record teach or suggest the invention set forth in new claim 31 and accordingly the undersigned believes that new claim 31 and its dependent claims are now in condition for allowance.

Respectfully submitted,



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AP9673  
09/913,635

**MARKED UP VERSION OF ALL AMENDED SPECIFICATION PARAGRAPHS**

Page 8 of the Substitute Specification (Clean Copy):

[0030] Besides, the retaining elements can also be configured as separate component parts corresponding to Figures 4, 5 which are undetachably connected to the brake pad 1 or the carrier plate. According to Figure 3, the carrier plate 2 on its side remote from the friction lining 3 has a projection 19 in the form of a sheet-metal punched-through projection on which a separate locking washer 20 makes a catch. Such a projection 19 can equally be provided on a retaining plate 12 connected to the brake pad 1. The locking washer 20 is clung on the projection 19 and, additionally, grips over a portion of the spring element 4 which is thereby retained on the brake pad 1.

Page 10 of the Substitute Specification (Clean Copy):

**[Brake Pad Comprising a Retaining Spring Device]**

**Abstract [of The Disclosure]**

[0033] The present invention relates to a brake pad having a retaining spring device for the detachable attachment of the brake pad on a piston of a spot-type disc brake. The retaining spring device includes at least one spring element which, with at least one spring portion, is engaged under spring bias into a circumferential groove on the outside surface of the piston. The spring element is attached to the side of the brake pad close to the piston by means of at least one retaining element. The retaining spring device permits the application of different spring force components due to the use of spring elements and retaining elements and, in addition, can be applied universally in different brake pad configurations.

AP9673  
09/913,635

**MARKED UP VERSION OF ALL AMENDED CLAIMS**

19. (First Amended) The brake pad as claimed in claim 31[18], wherein the brake pad includes a carrier plate and a friction lining applied thereto, wherein the retaining element is [being] undetachably connected to the carrier plate.

22. (First Amended) The brake pad of claim 31[21], wherein the first spring element includes two first spring portions which are arranged opposite each other with respect to [an axis of] said piston axis.

25. (First Amended) The brake pad of claim 31[18], further including two first spring elements, wherein each one of said two [first spring] elements includes one first spring portion for urging the brake pad against the piston.

29. (First Amended) The brake pad of claim 31[18], wherein the retaining member is configured as a hook or eyelet.

30. (First Amended) The brake pad of claim 31[18], wherein the retaining plate is configured as a damping plate.